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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,499	03/26/2004	Masayuki Tsuda	9683/179	8154

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INDIANAPOLIS OFFICE 27879
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ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS, IN 46204-2033

EXAMINER

SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/810,499

Applicant(s)

TSUDA ET AL.

Examiner

Matthew C. Sams

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached pages.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER

Response to Arguments

1. In response to the applicant's argument regarding claim 8 and 35 U.S.C. 101, the examiner disagrees.

It is the examiner's opinion that the applicant is trying to claim a computer program, which requires a structural relationship between the computer program, the computer readable medium, and the processor/hardware to make the claim meet the requirements set forth in 35 U.S.C. 101.

2. In response to the applicant's argument regarding claim 5 that "Kokubo clearly does not describe storage of a generated icon that is representative of a cause of suspension of an application program" and the "storage of event data representative of a cause of the suspension of an application program" (Page 3 Para 2), the examiner disagrees.

It is the examiner's opinion that Kokubo teaches generating icons that are representative of a cause of suspension of an application program by the teaching of the generation of a "busy icon 10g" when a telephone call is received and temporally stopping the audio player (Page 7 [0116]) and teaches the storage of event data representative of a cause of the suspension of an application program with a "transmission log, and an icon corresponding to a screen for showing such information may be generated". (Page 4 [0048])

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3. In response to the applicant's argument regarding claim 8 that "Kokubo's icons are clearly not stored and delivered to a resumed application as described in claim 5" and "Kokubo's icons are not described as being delivered to a resumed application program for use therein as described in claim 8" (Page 3 Para 3), the examiner disagrees.

It is the examiner's opinion that Kokubo teaches that the state represented by the icon is presented to the application software in order to resume the application in the proper state (Page 2 [0016]), not that the icons themselves are sent to the application.

4. In response to the applicant's argument regarding claim 9 that what is missing from "all of Kokubo is any discussion of resumption of execution of an application in accordance with extracted event data to be indicative of a first predetermined event" (Page 4 Para 1), the examiner disagrees.

It is the examiner's opinion that Kokubo teaches resuming execution of an application in accordance with extracted event data to be indicative of a first predetermined event by teaching "by generating the icons such that they correspond to a predetermined state from among a most recent state, a suspended or stopped state and an initial state of the application software, the application software may be started at the desired state when it is restored and displayed on the main display unit to resume the application software. Thus, the ease and speed of the application software resuming procedure are improved." (Page 2 [0016])

5. In response to the applicant's argument regarding claim 12 that Kokubo does not "describe generation of a query to a user" (Page 4 Para 1), the examiner disagrees.

It is the examiner's opinion that Kokubo teaches a "manually generating an icon such that it corresponds to the most recent state of the task, to a state in which the task is suspended or stopped, or to an initial state of the task, and such that the icon is generated by reducing the image displayed in the first display region, and that they are automatically or manually erased from the second display region when restoration is performed" (Page 1 [0013]), the manual process would require prompts from the application software to be answered by the user in order to switch tasks efficiently. (Page 1 [0009-0013])